

H. H. B. Meyer

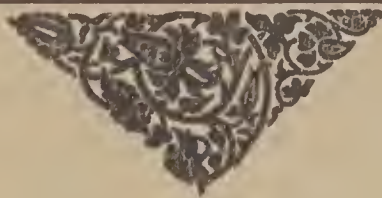
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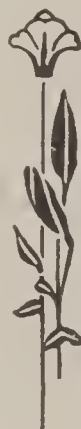
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# Initiative and Referendum

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SUPPLEMENT, FEBRUARY 15, 1909.



Compiled by

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# Initiative and Referendum

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Since the publication of a pamphlet one year ago on the Initiative and Referendum, there have been developments of interest to the students of direct legislation. Some of these are here noted to bring the subject down to date.

## Maine and Missouri.

At the last general election amendments providing for direct legislation were carried in Maine and Missouri; in the former state by a vote of 53,785 to 24,543, and in the latter by a vote of 177,615 to 147,290. The texts of these amendments will be found in the pamphlet published by the State Library one year ago.

## Ohio.

The initiative and referendum resolution, introduced into the Ohio Senate January 3, 1908, by Hon. W. L. Atwell, passed that body and went to the House, where it was referred to the Judiciary Committee. It was reported back in amended form. After extended discussion and further amendment it passed the House March 19, yeas 100, nays 16, in the following form:

*Be it resolved by the General Assembly of the State of Ohio:*

SECTION 1. That a proposition be submitted to the electors of this State at the next election for the members of the General Assembly to amend Section 1 or Article II of the Constitution of the State of Ohio so as to read as follows:

## Article II.

SEC. 1. The legislative power of this State shall be vested in a general assembly, which shall consist of a Senate and House of Representatives; but the people reserve the right to enact or reject at the polls any law or part of a law which has been passed by the General Assembly, or any proposed law which, having been introduced by a member of the General Assembly, has failed to pass or having passed has been vetoed by the Governor, or has not passed the General Assembly without amendment. No proposed law shall contain more than one subject, which shall be



clearly and fully expressed in its title; and no law shall be revised or amended unless the new act contain the entire act revised or the section or sections amended; and the section, or sections, so amended, shall be repealed; and these provisions shall be mandatory.

No law or part of a law passed by the General Assembly (except such laws as are necessary for the immediate preservation of the public peace, health or safety and which are termed emergency measures and which shall require a two-thirds vote of each house, or laws necessary to suppress insurrection or repel invasion or laws carrying appropriations for the current expenses of the State institutions and State officers) shall become operative in less than ninety days after the adjournment of the session of the General Assembly at which the act was passed.

If, before the expiration of ninety days after the adjournment of any session of the General Assembly, petitions are filed with the Secretary of State, signed by five per cent. of the electors of the State, requesting a popular vote upon any act or part of an act of such session of the General Assembly, the same shall be submitted for the approval or rejection of the electors of the State at the first election held on the first Tuesday after the first Monday in November, in the even numbered years, which occurs thirty days or more after the filing of said petitions, and all acts or parts of an act upon which a popular vote may be required shall remain in abeyance until such vote is taken.

If, not less than forty-five days before any election occurring on the first Tuesday after the first Monday in November, in the even numbered years, petitions are filed with the Secretary of State, signed by ten per cent. of the electors of the State, requesting a popular vote upon any measure introduced by any member of the General Assembly at the last preceding session of the General Assembly, which has failed to pass, or, having passed, has been vetoed by the governor or has not been passed by the General Assembly without amendment, the same shall be submitted for approval or rejection by the electors of the State at such election.

Any act passed by the General Assembly and submitted to a direct vote shall take effect and become a law unless a majority of the votes cast at such election are cast against such act; and any measure rejected by the General Assembly, or passed by the General Assembly and vetoed by the Governor, or not passed by the General Assembly without amendment, and which is submitted to a direct vote, shall take effect and become a law if a majority of the votes cast at such election are cast for such measure..

The Secretary of State shall within 60 days canvass the vote and the result thereof and shall transmit the same to the Governor; the Governor shall, within 10 days after transmission to him, issue a proclamation of the result of the vote, and the act of the electors in the vote on rejecting or enacting laws shall take effect at the expiration of ten days from the date

of such proclamation unless said proposed law shall expressly provide that it shall take effect at a later date.

Nothing herein shall in any way be held to abrogate or affect the right or power of the General Assembly to repeal or amend any act or law however enacted; or of the courts to pass upon the constitutionality thereof.

The whole number of votes cast for Governor at the State election last preceding the filing of petitions shall be the basis on which to determine the required number of petitioners.

Measures submitted to the electors shall be indicated by title and printed beginning at the top of the first column of the ballot and shall bear no party emblem or endorsement.

Or the General Assembly may provide that each measure submitted to a vote of the electors under this article shall be upon a separate ballot without any political party designation. Each such ballot shall be given each voter in same manner and at same time as the regular ballot is given. Each voter shall return to the election officers such ballot or ballots in same manner and at same time as regular ballots are returned. The ballots provided for under this article shall be deposited in a ballot box which is a different box than that containing the regular ballots.

Petitions shall be signed in each one of at least a majority of the congressional districts of the State by not less than the required percentage of electors as herein provided, and all petitions shall contain the full text of the act or bill to be submitted, and each signer of said petitions shall also sign his address and occupation.

The required percentage in each district shall be the respective percentages above named of the electors of such district.

No measure adopted by a vote of the electors shall be subject to the governor's veto.

This amendment shall be self-executing, but the General Assembly shall enact laws to determine more precisely the manner of procedure in voting for, or rejecting laws.

SEC. 2. At such election there shall be placed on the ballots the words: "Constitutional amendment, Article II, Section 1—For Direct Legislation—Yes"; "Constitutional amendment, Article II, Section 1—For Direct Legislation—No." And electors shall vote by marking their ballots with a cross mark in the blank space to the left of and before the vote desired to be given and not otherwise.

SEC. 3. That a proposition be submitted to the electors of this State at the next election for members of the General Assembly to amend Section 18, Article II of the Constitution of the State of Ohio so as to read as follows:

SEC. 18. The style of the laws of this state shall be: "Be it enacted by the people of the State of Ohio."



SEC. 4. At such election there shall be placed on the ballots the words: "Constitutional amendment, Article II, Section 18—For Change of Style of Enacting Clause of Laws—Yes"; "Constitutional amendment, Article II, Section 18—For Change of Style of Enacting Clause for Laws—No." And the electors shall vote thereon by marking their ballots with a cross mark in the blank space to the left of and before the vote desired to be given and not otherwise.

The Senate refused to concur in the House amendments. The resolution then went to a conference committee, which failed to agree.

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### JOINT RESOLUTION.\*

Introduced in General Assembly January, 1909.

The following joint resolution was introduced in the Ohio Senate by Hon. Isaac E. Huffman, and in the House by Hon. Cornell Schreiber:

*Be it Resolved by the General Assembly of the State of Ohio:*

That a proposition be submitted to the electors of this State at the next election for members of the General Assembly, to amend Section 1 of Article II of the Constitution of the State of Ohio so as to read as follows:

#### Article II.

SECTION 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives; but the electors reserve the right to enact or reject at the polls any law or part of a law which has been passed by the General Assembly, or any proposed law which having been introduced by a member of the General Assembly, has failed to pass, or, having passed, has been vetoed by the Governor, or has not been passed by the General Assembly without amendment.

No law or part of a law passed by the General Assembly (except such laws as are necessary for the immediate preservation of the public peace, health or safety and which are termed emergency measures, and which shall require a two-thirds vote of each house), shall become operative in less than ninety days after the adjournment of the session of the General Assembly at which the act was passed.

If, before the expiration of ninety days after the adjournment of any session of the General Assembly, petitions are filed with the Secretary of State, signed by five per cent. of the electors of the State, requesting a popular vote upon any act or part of an act of such session of such Gen-

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\*This resolution was materially amended in the House, which it passed March 3rd by a vote of 98 to 17. It then went to the Senate, where it was further amended and brought to a vote March 9th, but failed to receive the requisite majority for submission to the people.



eral Assembly, the same shall be submitted for the approval or rejection of the electors of the State at the first election held on the first Tuesday after the first Monday in November thereafter which occurs thirty days or more after the filing of said petitions, and all acts or parts of an act upon which a popular vote is required shall remain in abeyance until such vote is taken.

If not less than 45 days before any election occurring on the first Tuesday after the first Monday in November, petitions are filed with the Secretary of State, signed by ten per cent. of the electors of the State, requesting a popular vote upon any measure introduced by any member of the General Assembly at the last preceding session of the General Assembly, which has failed to pass, or, having passed, has been vetoed by the Governor or has not been passed by the General Assembly without amendment the same shall be submitted for the approval or rejection of the electors of the State at such election.

Any act passed by the General Assembly and submitted to a direct vote shall take effect and become a law unless a majority of the votes cast thereon are cast against such act and any measure rejected by the General Assembly, or passed by the General Assembly and vetoed by the Governor, or not passed by the General Assembly without amendments, and which is submitted to a direct vote, shall take effect and become a law if a majority of the votes cast thereon are cast for such measures.

The Secretary of State shall within sixty days after such election canvass the vote and the result thereof and shall transmit the same to the Governor; the Governor shall, within ten days after the transmission of the result to him by the Secretary of State, issue a proclamation of the result of the vote, and the act of the electors in the vote on rejecting or enacting laws shall take effect at the expiration of ten days from date of such proclamation unless said proposed law shall expressly provide that it shall take effect at a later date.

The whole number of votes cast for the office of Governor at the State election last preceding the filing of petitions shall be the basis on which to determine the required number of petitioners.

Measures submitted to the electors shall be indicated by title and printed upon the ballot in such manner as may be required by law.

No measures adopted by vote of the electors shall be subject to the Governor's veto.

This amendment shall be self-executing, but the General Assembly shall have the power to enact laws to determine more precisely the procedure in voting for or rejecting laws.

SECTION 2. At such election there shall be placed on the ballots the words: "Constitutional Amendment, Article II, Section 1, for Initiative and Referendum—YES." "Constitutional Amendment, Article II, Section 1, For Initiative and Referendum—NO." And the elec-

tors shall vote thereon by marking their ballots in such manner as may be provided by law.

SECTION 3. That the General Assembly agrees to an amendment to be submitted to the electors of this State at the next election for the members of the General Assembly to amend Article XVI of the Constitution of the State of Ohio by adding thereto an additional section, which shall be Section 4 and which shall read as follows:

### Article XVI.

SECTION 4. Whenever petitions are filed with the Secretary of State, signed by fifteen per cent. of the electors of the State, and requesting a popular vote upon a proposed constitutional amendment, which proposed constitutional amendment shall be printed in full upon such petitions, such proposed constitutional amendment shall be submitted to the electors for their approval or rejection, at the first election held on the first Tuesday after the first Monday in November thereafter, which occurs seven months or more after the filing of such petitions; and such proposed amendments shall become a part of the Constitution if a majority of the votes cast thereon are cast for such amendment.

SECTION 5. At such election there shall be placed on the ballots the words: "Constitutional Amendment, Article XVI, Section 4, Amendment of Constitution by "Initiative and Referendum—YES." "Constitutional Amendment, Article XVI, Section 4, for Amendment of Constitution by Initiative and Referendum—NO." And the electors shall vote thereon by marking their ballots in such manner as may be provided by law.

### Oregon.

The people of Oregon have had three general elections since the institution of direct legislation in that State. At the first election, in 1904, they used the initiative on two bills. At the next election, in 1906, they used the initiative to secure the submission of five constitutional amendments and five statute laws, and they also invoked the referendum on one act of the legislature. At the election of 1908 nineteen measures were voted upon. Of these, as arranged in this leaflet, the first four were "referred to the people by the legislative assembly." On the four following the "referendum was ordered by petition of the people." The remaining eleven were "proposed by initiative petition."

At this election the people instructed their representatives to vote for United States Senator, with the following result:

I. H. Amos, Prohibitionist. -----	3,787
H. M. Cake, Republican. -----	50,899
Geo. E. Chamberlin, Democrat -----	52,421
J. C. Cooper, Socialist. -----	5,257

While the instructions were for a Democratic candidate, the General Assembly chosen at this election was strongly Republican in both branches. The instructions were obeyed and Hon. Geo. E. Chamberlain was elected United States Senator.

The following table gives the votes on measures since the introduction of direct legislation in Oregon and shows what percentage of the total vote for candidates was cast on each measure :

	Yes	No	Majority Approv- ing	Majority Reject- ing	Per cent- age of To- tal Vote for Cand.
ELECTION 1902.					
TOTAL VOTE 92,920.					
Original Initiative and Refer- endum Amendment. -----	62,024	5,668	56,356	-----	73
ELECTION 1904.					
TOTAL VOTE 99,315.					
Local Option Liquor Bill ----	43,316	40,198	3,118	-----	84
Direct Primary Bill. -----	56,205	16,354	39,851	-----	73
ELECTION 1906.					
TOTAL VOTE 96,751.					
Woman Suffrage Amendment	36,928	46,971	-----	10,043	87
Amendment applying Initia- tive and Referendum to acts of Legislature affecting Con- stitutional conventions and amendments -----	47,661	18,751	28,910	-----	69
Amendment to give cities and towns exclusive power to en- act and amend their charters	52,567	19,942	32,625	-----	75
Amendment affecting compen- sation of state printer. ----	63,749	9,571	54,178	-----	76
Amendment for Initiative and Referendum on all local, special and municipal laws..	47,778	16,735	31,043	-----	67
Bill proposing change in Local Option Law-----	35,397	45,144	-----	9,747	83
Bill for state-ownership of a toll road-----	31,525	44,525	-----	13,000	79
Anti-Pass Bill. -----	57,281	16,779	40,502	-----	76



	Yes	No	Majority Approv- ing	Majority Reject- ing	Per cent- age of To- tal Vote for Cand.
Bill for license on gross earn- ings of sleeping, refrigerator car and oil companies -----	69,635	6,440	63,195	-----	79
Bill for license on gross earn- ings of express, telegraph and telephone companies --	70,872	6,360	64,512	-----	80
Referendum to veto an act of Legislature -----	26,758	43,918	-----	17,160	73
ELECTION 1908.					
TOTAL VOTE 116,614.					
Amendment increasing com- pensation of members of the General Assembly -----	19,691	68,892	-----	49,201	76
Amendment relating to loca- tion of State Institutions. --	41,975	40,868	1,107	-----	71
Amendment increasing the number of judges of the supreme court and making other changes relative to the judiciary. -----	30,243	50,591	-----	20,348	69
Amendment changing time of holding general elections from June to November ---	65,728	18,500	47,138	-----	72
Bill relative to the custody and employment of county prisoners -----	60,443	30,033	30,410	-----	78
Bill providing for free trans- portation of public officers ..	28,856	59,406	-----	30,550	76
Bill proposing the building of armories for the national guard -----	33,507	54,848	-----	21,341	76
Amendment to increase ap- propriation for state univer- sity. -----	44,115	40,535	3,580	-----	72
Woman Suffrage Amendment	36,858	58,670	-----	21,812	82
Bill prohibiting fishing for sal- mon or sturgeon on Sunday and at night in certain months of the year -----	46,582	40,720	5,862	-----	75
Amendment giving power to cities and towns to regulate race tracks, pool rooms, sale of liquor, etc. -----	39,442	52,346	-----	12,904	79



	Yes	No	Majority Approv- ing	Majority Reject- ing	Per cent- age of To- tal Vote for Cand.
Amendment exempting prop- erty improvements from taxation.....	32,066	60,871	-----	28,805	80
Amendment providing for the recall, i. e., the removal of a public officer by vote of the people and the election of his successor .....	58,381	31,002	27,379	-----	77
Bill providing for election of United States senators by vote of the people .....	69,668	21,162	48,506	-----	78
Amendment providing for pro- portional representation ...	48,868	34,128	14,740	-----	71
Bill limiting expenditure of money in political cam- paigns.....	54,042	31,301	22,741	-----	73
Bill regulating salmon fishing..	56,130	30,280	25,850	-----	74
Amendment providing for choosing of jurors, etc.....	52,214	28,487	23,727	-----	69
Bill providing for the creation of the county of Hood River	43,948	26,778	17,170	-----	61

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- Harris, S. H.** Will of the people. (Westminster Review. 1907. v. 168, p. 675-90.) F.

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Printed material favorable to the initiative and referendum may be had by addressing George H. Shibley, President of the Initiative and Referendum League of America, Bliss Building, Washington, D. C., or Herbert S. Bigelow, Cincinnati, Ohio. Material and editorial comment against the initiative and referendum may be had from W. D. McKinney, Secretary of the Representative Government League, Columbus, Ohio. For texts of initiative and referendum constitutional provisions and lists of books and articles on the subject address C. B. Galbreath, State Librarian, Columbus, Ohio.



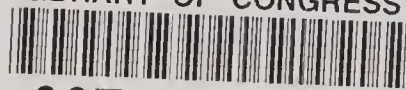








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